

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VAUGHN WAYNE MONROE,

Petitioner,

vs.

CIVIL ACTION NO. 04-74885  
DISTRICT JUDGE PAUL D. BORMAN

HAROLD WHITE,

Respondent.

**ORDER DENYING LEAVE TO APPEAL IN FORMA PAUPERIS**

Petitioner has appealed the Court's order dismissing his habeas corpus petition, and on May 30, 2006, the Court declined to issue a certificate of appealability. Still unresolved is the matter of the appellate filing fee.

An appeal may be taken *in forma pauperis* if it is taken in good faith and is not frivolous. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(4)(B); *United States v. Youngblood*, 116 F.3d 1113, 1115 (5th Cir. 1997); *Sweeney v. Smith*, 9 F. Supp.2d 1026, 1027 (E.D. Wis. 1998). The pending appeal is not taken in good faith because the issues that Petitioner raised in his habeas petition were waived when he pleaded guilty. The Court therefore DENIES leave to appeal *in forma pauperis*. If Petitioner wishes to continue with his appeal, he may ask the Court of Appeals for permission to proceed *in forma pauperis* on appeal. Fed. R. App. P. 24(a)(5).

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: July 7, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on July 7, 2006.

s/Denise Goodine  
Case Manager